

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to add Section 6594, et seq., Title 14, in California Code of Regulations, relating to proposed regulations to administer federal funds for the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program and Boating Safety and the Boating Law Enforcement Trainee Grant Program.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (herein referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department by 5:00 p.m. on 04/10/2009, which is hereby designated as the close of the written comment period. The Department will also accept written comments during the written comment period. Comments may be transmitted by regular mail, fax, or email to the Department in care of the Contact Person designated below:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

PUBLIC HEARING

The Department does not propose to conduct a public hearing for this proposed regulatory action. However, in accordance with section 11346.8 of the Government Code, any interested party, or his or her duly authorized representative, may submit a request for a public hearing, in writing, to the Department, at least 15 days before the close of the written comment period, specified above.

Please submit your written request for a hearing to the contact person listed above

AUTHORITY AND REFERENCE CITATIONS

This regulatory action is taken pursuant to the authority vested by Harbors and Navigation Code Sections 61.4 and 61.6, and referenced in Harbors and Navigation Code Sections 61.4, 61.6 and 650, and Title 49 CFR Part 18, which

allows the Department to accept and expend Federal grants. The purpose of the proposed regulations is to implement, interpret and make specific the requirements of the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program and the Boating Safety and Boating Law Enforcement Trainee Grant Program.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department receives Federal funds for boating safety and enforcement and provides such funds to local agencies, as defined, in the form of grants in accordance with the provisions of Harbors and Navigation Code sections 61.4 and 61.6, and in compliance with Title 49 of the Code of Federal Regulations Part 18. This proposal is intended to implement, interpret, and make specific the requirements of the Boating Safety and Boating Law Enforcement Equipment Grant Program, and the Boating Safety and Boating Law Enforcement Training Grant Program and the Boating Safety and Boating Law Enforcement Trainee Program.

The proposed Boating Safety and Boating Law Enforcement Equipment Grant Program implements and specifies the application process necessary for the Department to award grants for the purchase of boats, trailers and equipment; specifies grant award criteria, the reimbursement process, and the audit and appeals process necessary to ensure funds are utilized in accordance with program guidelines.

The proposed Boating Safety and Boating Law Enforcement Training Grant Program implements and specifies the guidelines to conduct boating safety and boating law enforcement training, specifies guidelines for the reimbursement process, and guidelines for the audit and appeals process necessary to ensure funds are utilized in accordance with the program guidelines.

The proposed Boating Safety and Boating Law Enforcement Trainee Program implements and specifies the grant award criteria for agencies whose personnel participate in boating safety and boating law enforcement training courses; specifies guidelines for the reimbursement process, and specifies guidelines for the audit and appeals process necessary to ensure funds are utilized in accordance with program guidelines.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or any increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no cost or savings in Federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

The Department has determined that the proposed regulatory action will not impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirements upon businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action has no impact on small businesses because only a County, or a public agency within a County, may voluntarily participate in the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program, and the Boating Safety and Boating Law Enforcement Trainee Grant Program, and primarily because counties and public agencies are not considered to be small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a) (13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is

proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments regarding alternatives to the proposed regulations to the contact person, named in this notice, during the public comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for each program proposed, and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation for each program may be obtained from the Department contact person named in this notice. The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text is made available.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulations, inquiries regarding the rulemaking file and questions on the substance of the proposed regulatory action may be directed to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
Telephone: (916) 263-0787
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

NOTE: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Denise Peterson, Law Enforcement and Training Supervisor, at (916) 263-8181.

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the Department's Internet Home Page (<http://www.dbw.ca.gov>).

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the Department's "Decisions Pending and Opportunities for Public Participation" Internet page at <http://www.dbw.ca.gov/PublicOpp.aspx>.